XXI A

19 51 .49-51 **File No.** 9859/36

B CLASS Public Works **DEPARTMENT**

E **BRANCH**

Subject:—

Appointments of
Temporary Dy. Engrs.

B [K] 1951

File No. 9859/36 XXI A

G.R., G D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 9859/36 XXI A

P.W. DEPT.

E BRANCH.

References :—

Date.	To whom sent.	Notes and instructions.

Lab. Deptt. 670/46/25889/ 55290

Public Works Deptt.

E.B. (I).

Submitted.

2. On the recommendation of the Bombay P.S.C., Mr. P.M.Mistry was apptd. as tempy. Dy. Engr., and allotted to the Housing Organisation, vide G.L. No. 9859/36 -I-E (I), dated the 22-12-48. Prior to his selection by the Commn., Mr. Mistry was serving under the P.I. and S.R.O. The Secy., B'bay Housing Board, reports that Mr. Mistry lacks experience and initiative and is found unsuitable for large construction work in the Housing Organisation. He, therefore, suggests that he (Mr. Mistry) may be taken back in this Department, so that his services can be utilised in light Sub-Dnl. charges,If not, his services will be terminated by giving him one month's notice.

3. Pl. see the Lab. Deptt., O.N. dt. the 21-8-49 recorded on that Deptt. file No. 670/46/23559/55394 (submitted as a linked case.) Mr. P.M.Mistry was transfered from the office of the P.I. and S.R.O. to the Housing Board. That Deptt. now requests that a candidate selected by the P.S.C. may be allotted to that Deptt. for filling the vacancy caused by the transfer of Mr. Mistry under the P.I. & S.R.O.

4. Out of the candidates recommended by the P.S.C. for the posts of tempy. Dy. Engr., it has been decided to allot one candidate (outsider) to the Lab. Deptt. The Preliminary questions such as domicile, relaxation of age limit, granting higher stafting pay, etc. in respect of the ...

candidates have already been settled, in consultation with the Departments concerned. The question of allotment of the candidates to the several Circles, Deptts. and Organisation has also been decided and the candidates, who are willing to accept the terms given by Government have been sent to the Medical Boards for medical examinations. Even then, * not be in a position to join until they undergo the necessary practical training before actually being put in charge of regular Sub-Dns. All this is bound to take some further time and it may be assumed that three or four months more will elapse until the candidates actually join their duties as S.D.O.'s. In view of the above, as Mr. Mistry has already served under the P.I. and S.R.O. before he was transferred to the Housing Board, the Labour Deptt. may, if appd., be requested to reconsider the question of re-transferring Mr. Mistry to the Office of the P.I. and S.R.O. and report to this Department the action taken in the matter. If this view is accepted, the draft proposed by the Lab. Deptt., will have to be suitably modified.

* Such of the candidates, who are rank outsiders, will

5. On receipt of orders, the papers may be returned to the Labour Department.

Id/- H.M.P.
29/8/49

I agree with the O.N.

Id/- K.V.J.
30/8/49
D.S.

Id/- B.S.V.
30/8/49
Secy,(R. & B.)

V. URgent.

U.O.R. to the Labour Deptt, dated the /8/49

F.B.(I) 9859/36/54397

P.W.D.

Submitted with Ref. to G.L. No. 9859/36-E(I), dated the 6-8-49.

2. Pl. see the O.M. dated the 29-8-49, recorded on the Lab. Deptt. file No. 670/46/25889/ 55290, reg. transfer of Mr. P.M. Mistry, temp. Dy. Engr. In the circumstances stated therein, further development in the matter may be awaited.

Id/-
2/9/49

Id/-
5/9/49

CONFIDENTIAL REPORT ON OFFICERS OF THE BOMBAY SERVICE OF ENGINEERS.

Note:- The report should comment generally on the way in which the Officer has carried out his various duties during the year and should give an estimate of his personality, character and ability making particular mention of his relations with his fellow officers and the general public. It should also comment on his ability to manage and control "Works" to prepare or direct the preparation of major projects, to deal with Contractors and to guide successfully Assistants in technical matters. It should contain an opinion on any point specially required at any particular time e.g. fitness to pass an efficiency bar.

OFFICE OF THE HOUSING COMMISSIONER, BOMBAY

Confidential Report on Mr. P.M.Mistry Sup. Pipe Sect.
Period year ending 30th June 1948 One year.
Length of service in the Department 1/7/0
Reporting Officer: Provincial Iron & Steel, Rationing Officer, Bombay.

Mr. Mistry has been looking after the pipe Section during the period under report.

Mr. Mistry's work has not been upto the standard required. Though he works hard, he is not able to produce the result because he gets confused when faced with any difficulty. He is also not able to control those working under him to the extent required.

I have brought these short comings to Mr. Mistry's notice and I hope he will be able to show some improvement.

I agree. Sd/- 3/7/48

Id/-
2/7/48 Housing Commissioner

Instructions.

(1) Reports should be submitted annually. They should be maintained for all Officers.

(2) Anything specially Crediable or discreditable to the officer should be mentioned, even if not specifically provided for.

(3) If the officer has served under the reporting authority for less than six months, the officer under whom he has previously served should be consulted and his opinions incorporated in the report, indicating how far the replies to the questions are based on personal knowledge and how far on reports of other officers.

(4) The reporting officer should give his name in block letters below his signature.

(5) severe notice will be taken of perfunctory reports or reports based on personal prejudices.

Report on conduct, work and qualifications of Mr. P.M.Mistri.

Deputy Engineer, attached to the office of the Executive Engineer, Housing Sub. East Dn. Bombay, as Personal Asstt.

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1. Name and Nature of charge.	
(a) Name of charge,	Techincal Assistant
(b) Natuse of charge, (State whether it is mainly maintenance or new construction of raods, bridges, buildings, irrigation works or hydroelectric works).	1. Preparation of projects and Design. 2. Disposal of office work of technical nature.
Note:-In cases where an Officer has served in more than one post during the year, the report should state details including dates of all such posts and it any should, unless his service in any one of them has not been sufficiently long to form an estimate of his work in that post, cover his service in all posts which he has held during the year.	Transferred from the Provincial Iron and Steel Rationing Officer's Office on 1-2-1949 (a) 1-2-49 to 3-4-49 :personal Assistant. (b) 4-4-49 to 2-6-49 Sub-Divisional Officer, Ghatkopar Const. Sub-Division. (c) 3-6-49 to 30-6-49 P.A.

2	Departmental efficiency and performance.
	(a) Promptness in the disposal of work (The remark pertains mainly to ~~sx~~ office work.)
	(b) Execution of works:-
	(i) Power of Organization.
	(ii) Resourcefulness.
	(iii) Economy.
	(iv) Rapidity.
	(v) Knowledge of account rules and observance of the same.
	(c) Does he tour adequately?
3.	Tact and relations with others.
	(a) Tact.
	(b) Relation with his superiors- Fidelity in carrying out orders.
	(c) Relations with his ~~b~~other officers.
	(d) Relations with his subordinates Does he guide them properly and exercise healthy influence over ~~them~~.
	(e) Contractors.
	(f) General Public:- Does he deal with them courteously but firmly ?
	(g) ~~Irrigators~~ Irrigators.
4	Professional acquirements and special aptitude.
	(a) Has he any special professional acquirements?
	(b) Has he a special aptitude for any particular class of works.

(c).....

(c) Preparation of projects:-

(i) Has he paid proper attention to project work?

(ii) Are projects and reports received from him carefully and lucidly prepared and do they show that he professionally well qualified and an Officer of sound judgment ?

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5. Health, temperament and character

(a) Is there anything in his work to show that his efficiency as a Government officer is impaired by his constitution or habits?

(b) Character- Specially as regards honesty.

---

6. Recommendations regarding promotions, transfers etc.

(a) Has he the necessary ability and character for being contined in the present post ?

(b) Have inspecting officers had occasion to find any serious fault with his work? Refer specifically to any of Official letters from Inspecting Officers of which he has received a copy praising or censuring him.

(c) ....

(c) Do you consider him to be an officer of more than ordinary attainments and abilities who you think, should receive special advancement with a view to his being selected for one of the higher appointments of the Department.?

(d) Have you ever suggested or recommended his transfer from " Under your control" if so, why?

(e) If your report is decidedly unfavourable and is likely to result in his promotion being stopped, permanently or temporarily, state the exact grounds on which you consider this step would be justified.

General Remarks.:- (an overall impression of his work; as to how he has run his charge, dealt with correspondence, applications, references from Government etc.).

There was not so much work either ~~letter~~ in the Divisional office or Sub-Divisional Office. Moreover, Mr. Mistri was on leave for more than a month. It is not possible to offer remarks in details as required above, during this short period. However, it was found that Mr. Mistri was show in his work and was not able to grasp matters.

Sd/-
Executive Engineer,
Housing Sub East Division, Bombay

Seems to be unsuitable for execution of works or for table works.

Sd/-
20/7/49
Superintending Engineer,
---------- Circle.

Sd/-
- Housing commissioner
17/5/49

Lab. Deptt. 670/46/32893
60340

E.B. (I).

Resubmitted with ref. to the Lab. Dept. note dated the 6-9-49.

2 Pl. see the confdl. reports on Mr. P.M.Mistry, tempy. Dy.Engr., forwarded by the Secy., Bombay Housing Board. It will be seen therefrom that Mr. Mistry's work has been found not upto the standard r required although his defects were pointed out to him. In the latest report of works or for table work. In view of this, it is for consideration whether this Deptt. may agree to take Mr. Mistry back in this Deptt.

3. In this con., it may stated that the E.& I. D. (now E.D.O had asked for the services of two officers for apptt. as Asstt. Lecturers in the Civil Engrg. at the L.D.Engrg. College, Ahmedabad, in the pay scale of B.S.E. Class II. perhaps Mr. Mistry may be of use for one of the apptts. as Asstt. Lecturer.

4. On receipt of orders, the necy. further action will be taken.

Id/-
27/9/49

Id/-
27/9/49

Mr. Mistry services may be pleased to the disposal of the E. & I.D. for appointed as Assistant Lecturer at the L.D. Engineering College to Ahmedabad, in the pay scale of B.S.C. Class II.

Id/-
28/9/49

Id/-
29/9/49

Id/-
30/9/

Confdl. Urgent

9859/36/61555
P.W.D.

B.C. 8th Oct. 1949.

No. 9859/36-E(I).

To,

The Secy.,
Bombay Housing Board.

Subject:- Transfer of Mr. P.M. Mistry, Tempy. Dy. Engr. to the E.D.

Dear Sir,

With ref. to the ~~covers~~ Corres. ending with G. L. No. 9859/36-E(I), dated the 21/24 -9-49, I am directed to state that, on transfer from the Housing Organization, the services of Mr. P.M. Mistry, tempy. Dy. Engr., are placed at the disposal of the E.D. for apptt. as Asstt. Lecturer in Civil Engrg. at the L.D. Engrg. College, A'bad, in the pay scale of the B.S.E. class II You are requested to make the necy. arrangements to relieve Mr. Mistry, as ~~xx~~ early as possible.

D.A. Nil.

Yours faithfully,

Copy forwarded to -

the Lab. Deptt.,

the E.D.,

the A.G.Bombay,

for information.

Id/-
6/10/49

Id/-
7/10/49

9859/36
~~7092~~7..

P.W.D.

El. Br. (I).

Submitted.

2. Mr. P.M. Mistry, a candidate, recommended by the B.P.S.C. for appointment as Dy. Engr., was allotted to the Housing Organisation. The Secy., Bombay Housing Board reported in July last that the services of Mr. Mistry were not required by him as he (Mr. Mistry) lacked experience and initiative and was found unsuitable for large construction works in the Housing Organisation. He suggested that Mr. Mistri might be transferred to the P.W.D. with a view to utilize his services in a light Sub-Divisional charge and observed that his services would be dispensed with if they were not required by Govt. confidential reports on Mr. Mistri were therefore, obtained and the question whether Mr. Mistri might be taken in this Deptt. was being considered. In the meanwhile the E.D. asked for the services of two Officers for apptt. as Asstt. Lecturers in the Civil Engineering at the L.D.Engineering College, Ahmedabad, in the pay scale of B.C.E. class II Mr. Mistri's services were accordingly placed at the disposal of the E.D. for apptt. to the above post and the Secy., B.H. Board, was requested to relieve Mr. Mistri as early as possible.

2. It appears Mr. Mistri is not willing to accept the transfer to the E.D. He has stated in his letter within that the Asstt. Housing Commr.(West) B'bay has declined to forward his representation in the matter to

Govt.....

Govt. He also states that he has forwarded an advance copy of that representation to Govt. but it does not seem to have been received. Under the orders of the Ex.Engr., Housing,B'bay West Dn. Mr. Mistri has been relieved of his charge on 27-10-49. Mr. Mistri has enclosed an application for one month's leave till Govt. orders are issued in his case.

3. It is not clear why Mr. Mistri is not willing to work as a lecturer. Perhaps his representation to Govt. which the Housing Commr. declined ~~to forward~~ to forward to Govt. may contain Mr. Mistri's reasons. It is not understood why the Housing Commr. should refuse to forward the representation to Govt. The action of the Asstt. H.O. in refusing to forward Mr. Mistri's representation and in relieving him from his services forth with does not appear to be justifiable. As Mr. Mistri is a candidate selected by the B.P.S.C., it is for consideration whether he may be tried by putting in charge of a lighter Sub-Dn. as suggested by the Secy., B.H.B.

4. Till final orders are issued in this matter it is necessary that Mr. Mistri should be accommodated somewhere. It is for consideration whether the Secy., B.H.B. may be asked to accommodate Mr. Mistri under him till final orders of Govt. in his case, after referring these papers U .O. to the Lab. D. and the P.& S.D.

Id/-
11/11/49

Mr. Mistri has been me the connection with ordersax of his transfer as Assistant Lecturer in Civil Engineering at the L.D. Engineering College at Ahmedbad. He explained that as he is a bit stammerer, he will not be...

able to deliver Lectures to the students. This posting to the E.D. was on the other hand proposed ~~lecturers~~ because, it is noted in his confdt. report for the year ended 30/6/49 that he seems to be unsuitable for execution of works or for table work * In new of these remarks his services are not likely to be useful in the P.W.D. also. It is therefore for consideration if Mr. Mistry may be informed that it is not possible to accommodate him in the P.W.D. or he may be given one more chance and posted as Dy. Engr. in the P.W.D. In the latter ~~case~~, he may be posted to the North Gujarat Circle.

Id/-
15/11/49

Ch. Engr

I think that he may be tried in the P.W.D.

Id/-
16/11/49

Secy.

I agree.

We will have to give a substitute to E.D.

Id/-
16/11

9859/36
75499

P.W.D.

E. Br.(I).

Resubmitted with reference to the notes on P. 46-47 ante together with S. Nos. 74824 & 75499.

2. The draft put, up for approval, reg. Mr. Mistri posting to the N.G.C. may issue. The S.E. is instructed in the draft to treat the period of absence of Mr. Mistri, from the day of his relief from the Housing Organ. to the date of his reporting for duty, as such leave as may be admissible to him.

3. It is for orders as to who may be deputed to the E.D. in place of Mr.Mistri.

4. Please see the E.D. endt. at p. 51 ante. It may be stated in this connection that it has since been decided to depute Mr. O.H.patel to the E.D. if a substitute is given to that Deptt. in place of Mr. Mistri then one more hand will have to be made available to the E.D. to meet its demand in full. This may be considered at the time of making actual apptts. of rank outsiders after their training is completed. The E.D. may be informed that the orders giving a substitute in place of Mr. Mistri will be issued separately vide para 2 of the endt. below the draft.

Id/-
21/11/49.

As Mr. Mistri is being posted to the North Gujrat Circle, The S.E./ N.G.C. may be asked to suggest the name of one Dy. Engr. from his Circle for being sent to the E.D..If this is approved para 2 may be added to the draft at

page.....

page 57 post:-

Mr. Mistri was originally earmarked for being bent to the Eduction Deptt. for appointment as Assist. Lecturer at L.D. College A'bad you are therefore requested to suggest the name of another graduate Dy. Engr. from your Circle, who can be bent to the E.D. place of Mr. Mistry "

Id/-
21/11/49

Id/-
22/11/49

Letter

Public Works Department,
Bombay Castle, 24th November 1949.

Confidential
Very Urgent.
No. 9859/36/ (I).

To

The Superintending Engineer,
North Gujrat Circle.

Subject: Transfer of Mr. P.M.Mistri, temporary Dy. Engineer.

In supersession of the orders issued in the Government Letter No. 9859/36 E-(I), dated the 8th October 1949 (copy enclosed), Government is pleased to post Mr. P.M.Mistri to the North Gujarat Circle. A special report should, please, be submitted on his work at the end of six months The period of his absence form 28th October 1949, i.e. the day on which he was relieved from the Housing orginisation, up to the date on which he will report for duty to you should be treated as leave of the kind admissible to him, under intimation to Government.

2. Mr. Mistri was originally earmarked for being lent to the Education Department for appointment as Assistant Lecturer at the L.D.College of Engineering, Ahmedabad. You are therefore requested to suggest the name of another gradute Deputy Engineer from your Circle, who can be lent to the Education Depa-rtment in place of Mr. Mistri.

By order of the Governorof Bombay,

Id/- 24/11/49 o/c

Deputy Secretary to the Governmentof Bombay,
Public Works Department.

D.A. - Copy of the Government Letter referred to

copy .....

Copy forwarded to P.M. Mistri, Esq., B.E.

2. Mr. Mistri should report to the Superintending Engineer, North Gujarat Circle, for duty at once.

Copies forwarded to ---

the Labour Department,

the Education Department(with reference to its endorsement No. 7834/28693 -K, dated the 4th November 1949).

the Housing Commissioner, Bombay,

the Accountant General, Bombay,

for information.

2. The Education Department is informed that the orders placing the services of another officer at its disposal in place of Mr. Mistri will be issued separately.

Idl
24/11/49

9859/36
80703

P.W.D.

E.B.(I)

Submitted together with Sr. No.80693 with refer. to G.L. No. 9859/36 E(I), dated the 24/11/49.

2 As it was decided to give one more chance to Mr. Mistri, he was posted to the N.G.C. as a tempy. Dy. Engr. and the S.E. was requested to submit a special report on his work after six months. Mr. Mistri, for the reasons given in his letter, requests that he may be posted somewhere in Bombay ~~xxx~~ only and if this is not possible the letter may be treated as his resignation.

3. It is for orders whether Mr. Mistri's request may be granted. If the requesting to be negatived and his resignation is to be accepted, a substitute will have to be given to the E.D.

Id/-
1/12/49

Mr. Mistry may be allowed to resign, but as he has failed to give ~~xxxxxxxx~~ one months notice, all payment due to him by way of leave salary etc. (subject to the limit of one month~~xxp~~ pay) may be forfeited to Govt. in lieu of the notice.

Mr. N.M.Oza Dy. Engr. may be deputed to the E.D. as suggested by the S.E.N.G.C. It is presumed that the S.E. will be able to make some ~~opperating~~ officiating arrangement to relieve Mr. Oza

I agree I.O.L. 2/12 Id/- 2/12/49

E.B.(I) Resubmitted with a draft for appl.

2. Necy. further action re: forfeiting Mr. Mistri's leave salary to Govt. will be taken on

re...

ɔeipt of information from the Housing

Commr. Bombay.

Id/-

10-12-49

Confidential /Urgent.
No. 9859/36-E(I).

Public Works Department,
Bombay Castle (Bombay No. 1),
12th December 1949.

From

The Secretary to the Government of Bombay,
Public Works Department .

To

P.M.Mistri,Esq., B.E.,
Shirin Manzil, Walton Road,
Apollo Bunder, Bombay.

Subject:- Acceptance of resignation.

Dear Sir,

With reference to your dated the 27th November 1949, I am directed to inform you that your request to post you as a temporary ~~m~~ Deputy Engineer in Bombay cannot be granted. You are further informed that your resignation has been accepted by Government.

Yours faithfully,
for Secretary to the Government of
Bombay,
Public Works Department.

D.A. Nil.

Copy forwarded to-

the Labour Department,

the Housing Commissioner, Bombay,

the Accountant General, Bombay,

for information with reference ~~to~~ to Government Endorsement No. 9859/36-E(I), dated the 24th November 1949.

2. The housing Commissioner is requested to ascertain and report to Government the leave period to the credit of Mr. P.M.Mistri, B.E., temporary Deputy Engineer, at the time of his relief.

~~xx~~ Copies forwarded to the Superintending Engineer, North Gujarat Circle, with reference to Government letter ....

Letter No. 9859/36-E(I), dated the 24th November 1949.

2. The services of Mr. N.M.Oza, B.E., temporary Deputy Engineer, are placed at the disposal of the Education Department for appointment as Assistant Lecture in Civil Engineering at the L.D. Engineering College, Ahmedabad, in the pay ~~xxx~~ scale of the Bombay Service of Engineers, Class II. The Superintending Engineer is requested to make the necessary arrangement to relieve Mr. Oza, as soon as possible.

Copies to the Education Department for information with reference to paragraph 2 of Government Endorsement No. 9859/36-E(I), dated the 24th November 1949.

I 9 7
12/12/49

9859/36/87765.

P.W. D.

E.B.(I)

Submitted together with Sr. Nos. 87157 and 87618.

2. In G.L.No. 9859/36-E(I), dated the 12-12-49, the services of Mr. N.M.Oza, tempy. Dy. Engr., have been placed at the disposal of the E.D. for Apptt. as Asstt. Lecturer in the Civil Engineering at the L.D. Engr. Clooege, A'bad,in the B.S.E.Cl.II scale. In his letter dt. the 20/12/49, Mr. Oza presumes that the post of the Asstt. Lecturer is a non-gazetted post. His apptt. should, therefore, be tp Lecturer's post which is a gazetted class II post. In case he is appointed against a non-gazetted post despite the grade of the B.S.E. Cl. II, he is not willing to go to the E.D.

3. Attention is invited to G.L.,E.D., No. 7834/28693-K, dated the 4-11-49, addressed to the Joint Dir. of Tech.Education and copy endorsed to this Deptt. The joint Dir. was requested by theE.D. that the posts of Asstt. Lecturers should be temporarily upgraded and designated Lecturers and the officers lent by the P.W.D. should be appointed there to in the B.S.E. Cl.II scale. The appointment of Mr. Oza to the post of Asstt. Lecturer is, therefore, a gazetted one. Mr. Oza may be informed accordingly, after u.o.r. to the E.D.

4 In his letter dt. the 19-12-49, the S.E., N.G.C., has proposed to re-employ Mr.A.G. Kanitkar, tempy. Dy. Engr., who retired on 21/12/49 and to post him to his Circle in the vacancy of a Dy. Engr. caused by the transfer of Mr. Oza. The S.E. requests that early orders may be issued so that Mr. Oza can be relieved soon.

5 It is for orders whether the S.E.,

N.G.C.,

M.G.C., may be informed that the question of re.employment of Mr. Kanitkar is ~~x~~ separately under the consideration of Govt. and to relieve Mr. Oza as early as possible by making offg. arrangements, if necy.

6. The S.E.,N.G.C., may also be requested to communicate to E.D. direct the exact pay of Mr. Oza with refce. to that Deptt. Endt. at p.|| ante, under intimation to this Deptt.

7 The papers may be shown u.o. to the E.D. as proposed in para. 3 above.

Id/-
27/12/49

(i) Let E.D. see the papers u.,o. first.

(ii) Action as in para 5 of the o.n. may be taken after receipt of the case back from the E.D.

U.O.R. to the E.D. dated 28/12/49.

Education Deptt.

Seen and returned to P.W.D. with an ~~expression~~ expression of concureence in para 3 of the above note. The necessary orders regarding appointment of Mr. Oza to the Class II post are being issued separately in the matter.

Id/-
23/1/50

u.o.r. to the P.W.D. 6/2/50 u s II.

Letter

Public Works Department,
Bombay Castle(Bombay No. 1),
11th February 1950.

Confidential.
No. 9859/36 -E(I).

To

The Superintending Engineer,
North Gujarat Circle.

Subject:- Transfer of Mr. N.M.Oza, temporary Deputy Engineer.

Reference : Your endorsement No. C/406, dated the 22nd December 1949.

2. The presumption made By by Mr. N.M.Oza, temporary Deputy Engineer, in his letter No. C/A-5, dated the 20th December 1949, viz that the post of the Assistant Lecturer to which he has been appointed is a non-gazetted post,is correct. However, the post of the Assistant Lecturer is being upgraded temporary and designated as Lecturer, which is a gazetted Class II post. Necessary orders are being issued separately by Government in the Education Department.

3. With reference to your letter No. C/103, dated the 19th December 1949,I am to state that the question of reemployment of Mr.A.G.Kanitkar, temporary Deputy Engineer, (retired), has since been decided and necessary orders in the matter are being issued separately.You are, therefore, requested to relieve Mr. Oza as soon as possible.

By order of the Governor of Bombay,

Sd/-
11/2/50

for Secretary to the Government of Bombay,
Public Works Department.

D.A.Nil.

Copy forwarded to-

...

~~the Education~~
the Education Department,
N.M.Oza,Esq., B.E., temporary
Deputy Engineer, Construction
Sub-Division, Ahmedabad,

for information.

Issued
IC/
11/2450

9859/36
40060

E.B.(I) P.W.D

Shri P.M.Mistri was recommended by the B.P.S.C., in 1948 ofr apptt. as tempy. Dy. Engr. and was allotted to the Housing Orgn., for apptt. as tempy. Dy. Engr. The Bombay Housing Board however reported that the services of Shri. Mistri were not required by them, as Shri. Mistri lacked experience and initiative and was found unsuitable for large construction work. Pl. see confdl. reports received from the Secy., Housing Board on Shri Mistri. Shri. Mistri's services were then placed at the disposal of the E.D. for apptt. as Asstt. Lecturer in the Civil Engrg., at L.D. Engrg. College.A'bad. Shri Mistri did not accept the post of the Asstt. Lecturer and asked for leave for one month. He was relieved from the Housing Orgn. on the 27-10-1949 (A.N.). Attention is invited to the notes at pp 5-4 ante. It was decided to give one more chance to Shri. Mistri. Accordingly he was posted to the N.G.C. and the S.E. was requested to submit a spl. report on Shri.Mistri work after six months.

2. In the letter dated the 27-11-1949 Shri Mistri expressed his unwillingness to accept the post in the N.G.C. and requested that he may be posted somewhere in Bombay only, or the letter be treated as his resignation. Pl. see Dy. Secy's note dated the 2-12-49, approved by the C.E. & the Secy. Shri Mistri was allowed to resign but it was decided to forfeit to Govt. in lieu of one month's notice, all payments due to him, be way of leave salary, etc, subject to the limit of one month's pay. Accordingly in G.L., No.....

No. 9859/36-E(I) dated the 12-12-49 Shri Mistri's resignation was accepted and the Housing Commy. was requested to ascertain and report the total leave period to the credit of Shri Mestri at the timeof os his relief fro-the Housing Orgn.

3. The A.G., Bombay has since reported that earned leave for 28 days followed by half pay leave for 60 days was admissible to Shri Mistri at the time of his relief, i.e. on the 28-10-49 As earned leave for 28 days only was admissible to Shri Mistri theleave etc., for that period only may be forfeited to Govt. Before however issuing the necessary orders the P. & S.D. and F.D. may see U.O. these pps for concurrence.

Id/-
23/5/50

Before his pay for 28 days is forfeited to Govt. it is necessary to ascertain that a part of ~~building~~ binding was taken form Shri Mistri that he would have to give one months notice of his intention to resign.

Id/-
24/5/50.

9859/36
40060

E.B.(I)

Resubmitted.

2. After selection by the B.P.S.C., Shri P.M. Mistri was allotted m to the Housing Orgn. vide G.L. No. 9859/36-I-E(I), dated the 22-12-48 Before allotment to the Housing Orgny, Shri Mistri was working in that Orgn. These papers may therefore be rend. u.o. to the Secy., Bombay Housing Board with a request to state whether a sort of binding was taken from Shri. Mistri that he would have to give one months.....

months notice of his intention to resign.

3. The Secy, Bombay Housing Board may be requested kindly to treat this as "V. urgent"

Id/-
24/5/50

Confdl.
V.Urgent

U.O.R. to the Secy., Bombay Housing Board, dated 25/5/50.

DECLARATION.

I hereby declare that I clearly understand that my employment in the office of the Provincial Iron and Steel Rationing Officer as Supervisor on the Temporary Establishment is on the footing of a monthly servant, and carries with it absoultely no claim to pension or to nay absentee allowances, beyond those conditionally given to temporary employees under the Bombay Civil Services Rules Manual or any orders on the subject issued by Government from time to time.

2. If dismissed otherwise than for serious misconduct before the completion of the work, I will be entitled to a month's notice or a month's pay in lieu of notice but otherwise, with or without notice, my employment terminates when the work ends. If I desire to resign my appointment I will be required to give a month's notice of my intention to do so, or forfeit a month's pay in lieu of such notice.

Dated 2nd Feburary 1948.

Sd/- P.M.Mistry.

witness- G.D.Mirchandani.

Dated 2/2/1948.

I hereby bind myself to serve Government for a period of al least 12 months from the date of my appointment provided my services are required by Government.

Date 2/2/2948. Signature Sd/- P.M.Mistry.
& Designation.(Supervisor).

Date 2/2/1948. Witness. G.D.Mirchandani.
(Siganture &
designation)

Typed by:- R.L. 27.5.

Compd by:-

9859/36
43742

P.W.D

E.B.(I)

Submitted with refec. to the Dy. Secy's note dated the 24-5-50.

2. The Secy. Bombay Housing Board, has forwarded a copy of the service bond taken from Shri. P.M.Mistri. It will be seen that the conditions in the bond are applicable to his apptt. as tempy. supervisor.

3. On recommendation by the B.P.S.C., Shri. Mistri was appointed as tempy. Dy. Engr. and allotted to the Housing Orgn., vide G.L. No. 9859/36-I-E(I), dated the 22-12-48. No condition was prescribed in the above mentioned G.L. except. "tempy. apptt." In the circumstances it appears that leave salary for 28 days due to Shri. Mistri cannot be forfrited in lieu of notice pay. The P. & S.D. may, however, see these papers U-O. no for advice.

Id/-
3/6/50.

Confdl.
Urgent.

U.O.R. to the P & S.D. dated 6/6/50.

P.W.D. may be requested to put up in the first instance its endr. No. S-92/34016-EII, dated the 4/1946 informed to by the Housing Commr. in para 3.of his endst. date at p. 123 ante.

Id/-
7-6-50

U.O.R. to P.W.D. dated 8/6/50.

E.B.(I)

This Deptt. file No. s-92 XIV/1946-48, containing G.E. No. S-92/34016 .E(II), dated the .....

~~thmx~~ the 4 /10/46, may be sent to the P.& S.D. with these papers as requested.

~~xx/x/xx~~.

Id/-
12/6/50

Id/-
12/6/50

Confdl.

U.O.R. to the P.& S.D. dated 13/6/50. with P.W.D. file No. S 92.-XIV of 1946-48.

* POLITICAL AND SERVICES DEPARTMENT
'D' BRANCH *

Please see the P.W.D. note dated the 3/6/50. The question for consideration is whether it is feasible to forfeit the leave salary for 28. days of Shri Mistri who resigned his appointment as Deputy Engineer without notice.

Please see in this connection the service bond signed by Shri Mistri (page 121 ante). This bond provides for giving a month's notice for resignation and forfeiture of a month's pay in lieu thereof. The view of P.W.D. that this bond was in respect of Shri Mistry's appointment under the Housing Board and was not valid in respect of his appointment under P.W.D. seems to be correct. It also appears that the R.L.A's opinion referred to by the Secy. Housing Board in para. 3 of his endst. at p. 123 ante cannot be made applicable in respect of Shri Mistry as he does not seem to have been appointed in P. W.D. on the understanding that he will be required to give a month's notice for resigning or forfeit a month's

pay in lieu of such notice.

It is however, to be noted that the salary in question (i.e. which is proposed to be forfeited) is Shri Mistry's leave salary. It also appears from the P.W.D. note dated the 23/9/50 that the leave granted to him was not terminal leave, but was granted on the assumption that Shri Mistry would resume duties on the expiry of his leave. Since Shri Mistry has not resumed duties as anticipated it seems competent for Govt. to cancel the leave granted to him as he could not claim the leave granted to him as a matter of right. If the leave is cancelled no leave salary is due to Shri Mistry and the object of forfeiting the leave salary is achieved. But before this course is recommended to P.W.D. R.L.A. may be requested to advice whether there is any objection to its being adopted.

Id/-
15/6/50.

Id/-
15/6/50

u.O.O. to R.L.A.(with P.W.D.(file) dated 17/6150.

Office of the R.L.A.

Whether the salary of Shri P.M.Mistry can be forfeited.

The proposal of the Political and services Department to cancel the leave granted to Shri Mistry would not be legally feasible firstly because the grant of leave was communicated to him and secondly because it was not conditional on his resuming duty after the expiry of leave. However, ordinarily a month's notice on either side is necessary before the service can be terminated. No such notice was given by Shri Mistry. Consequently his salary for the broken period of the month i.e. from 1 st November to...

to 27 November 1949 can be forfeited by Government (see Ramji Manor v. F.D. Little, 10 Bom. H.C.R. 57; of 35 All. 132; R.L.A's opinion No. 296, dated 12/1/1946; No. 1427 dated 20/2/1946 and No. 10966, dated 20/11/48 Shri Mistry should be paid his salary up to the end of October 1949 and informed that his salary for the Subsequent period was forfeited by Government as he resigned without notice.

Sd/- 4/9/50

Remembrancer of Legal Affairs.,

U.R. to P. & S.D., No. 678- confdl, dated the 6th September 1950.

R & S.D

Submitted with in reference to the office note dated the 15/6/50.

2 . R.L.A. does not considered the proposal made in this Deptt. note, viz to cancel the leave granted to Shri Mistri but advises that his salary for the period from 10th to 27th Nov. 1949 should be withheld. P.W.D. may be advised to take action as suggested by the R.L.A.

Id/-
7/9/50.

Id/-
7/9/

u.o.r. to P.W.D. dated the 9/9/50

with P.W.D. file S 92.

9859/36
50508,50545.

P.W.D

E.B.(I).

Submitted for information.

2. The question whether one month's pay of Shri P.M.Mistri should be forfeited to Govt. in lieu of notice pay is still under consideration in this Deptt. and the papers dealing with the subject have been refd. U.O. to the P & S.D. on the 13/6/50 that Deptt. may be requested U.O. kindly to return the papers with its remarks, as early as possible.

Id/-
24/6/50.

V.Urgent

U.O.R. to the P.& S.D. dated 21/6/50.

E&E
2916

P. & S.D.

The P.W.D. file in question has been referred U.O. to the R.L.A. on the 16/6/50 and will be returned to the P.W.D. as soon as it is received back from him. The R.L.A. has been reminded separetely.P.W.D. may be imform as above.

Id/-
27/6/50.

9859/36
52422 U.O.R. to P.W.D. dated 21/6/50

E.B.(I)

The return of the papers from the P.& S.D. may be awaited.

Id/-
30/6/50.

In the case we may have to inform the A.G. immediately to withhold payment.

Id/-
30/6/

E.B.(I) P.W.D.

Resubmitted with a draft for appl.

Id/-

Immed-.....

Letter.

Immediate.
Confdl.
No. 9859/36 E(I)

9859/36
52422

P.W.D.
BC(Bombay Bo. 1)
30th June 1950

To

The A.G. Bombay.

Sub:- Payment of leave salary.

Ref:- Office order No. 29(27)/1208, dated the 22/6/50, from the Housing Commr., Bombay, sanctioning leave to Shri P.M.Mistri, B.E.

2.The question whether the leave salary due to Shri P.M.Mistri may be forfeited to Govt. in lieu of notice period is under consideration of Govt. at present. You are, therefore, requested to withhold the payment of leave salary to Shri.Mistri.

D.A. Nil

By order, etc.

Dy. Secy. to the G. og B.,P.W.D.

Copy to the Housing Commr.,Bombay for information.

Id/-
30/6/50

No. 9859/36-E.

Public Works Department.

Bombay Castle (Bombay No. 1),

12th May 1951.

From

The Deputy Secretary to the Government of Bombay,
Public Works Department.

To

Shri P.M.Mistry, B.E.,
Shirin Manzil, Walton Road,
Apollo Bunder, Bombay.

Subject:- Payment of leave salary.

Sir,

With reference to the correspondence ending with your letter dated the 16th May 1950, I am directed to inform you that you will be paid your leave salary for the period from the 28th October 1949 to the 31st October 1949(both days inclusive) only. You are further informed that your leave salary for the subsequent period (1st November to 27th November 1949) has been forfeited by Government as you resigned without notice. The accountant General, Bombay, is being requested to pay your leave salary accordingly.

Your faithfully,
for 12/5/51
Deputy Secretary to the Government
of Bombay, Public Works Deptt.

D.A. Nil.

Copy forwarded to the Accountant General, Bombay,(through the Finance Department), with reference to the correspondence ending with his letter No. G.V.-B.S.E./144- dated the 17th April 1951.

2.....

2. The Accountant General, is requested please to make payment of leave salary to Shri P.M. Mistry, late temporary Deputy Engineer, as indicated above.

Copies to the Housing Commissioner and Secretary, Bombay Housing Board, for information with reference to the Correspondence ending with his letter No. 29(27)/9617, dated the 2nd November 1950, addressed to the Accountant General, Bombay, and copy endorsed to this Department.

Copies also to-

the Political and services Department,
the Finance Department,
the Labour and Housing Department,

for information.

6/6/52